



# Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General  
27 July 2020

Original: English  
English, French and Spanish only

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the seventh periodic report of the Plurinational State of Bolivia\*

#### Women's access to justice

1. Please indicate how the State party is increasing the awareness and knowledge of women, in particular those facing multiple and intersecting forms of discrimination, such as rural women, migrant, asylum-seeking and refugee women, indigenous and Afro-Bolivian women and women with disabilities, of the possibility of bringing complaints alleging sex- or gender-based discrimination and of the legal complaint mechanisms available to them under the Convention and related national legislation, with a view to ensuring their access to justice. Please also indicate how women who face multiple and intersecting forms of discrimination can effectively bring their claims before the administrative or judicial authorities.

2. It is reported that interpreters and translators providing services specifically for indigenous women are available nationwide in the justice system ([CEDAW/C/BOL/7](#), para. 35).<sup>1</sup> Please specify how many indigenous women have benefited from access to justice using translation and interpretation services and the number of cases involving indigenous and Afro-Bolivian women. Please provide information on whether the justice system is accessible to women with disabilities in urban and rural areas. Please also provide information on measures taken to improve the coordination on data between the Comprehensive Plurinational System for the Prevention, Punishment and Elimination of Gender-Based Violence, the Special Anti-Violence Force and the Public Prosecutor's Office.

#### Impact of the pandemic on women's rights and gender equality

3. Please indicate measures implemented by the State party in the context of the coronavirus disease (COVID-19) pandemic to redress long-standing inequalities between women and men by placing women at the centre of the recovery as an economic diversification strategy; to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in conflict or other humanitarian situations; and to ensure that lockdown

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\* Adopted by the pre-sessional working group on 17 July 2020.

<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the seventh periodic report of the State party.



measures, whether partial or total, and post-crisis recovery plans do not see women and girls relegated to stereotyped gender roles. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee that women and girls have equal participation in political and public life, decision-making, economic empowerment and service delivery; and (c) seek to ensure that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access by women and girls, including those from disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

#### **National machinery for the advancement of women**

4. The Committee notes the creation of the Ana María Romero Plurinational Service for Women and for Dismantling the Patriarchy (paras. 5 and 59) and requests information on measures taken to allocate adequate human, technical and financial resources to it and efforts made to coordinate the actions of the Service, the Vice-Ministry of Equal Opportunities and the Unit for Dismantling the Patriarchy. Please also provide updated information on the monitoring and evaluation framework, coordination arrangements and the reporting and impact assessment system for the effective implementation of the multisectoral plan for depatriarchalization, as well as the results achieved.

#### **Discriminatory gender stereotypes**

5. Please provide information on measures taken to combat and eliminate gender stereotypes and harmful practices, including child and/or forced marriages of girls under the age of 18 with parental consent, which often result in early pregnancies. Please also provide updated information on measures to raise awareness of gender equality among adolescent girls, in schools, in the media, in communities and in society, and measures to challenge traditional gender stereotypes of male domination in the family, in addition to the efforts described in the report (paras. 62–67). Please indicate the scale and content of such activities and provide information on how they are being evaluated.

#### **Gender-based violence against women**

6. In the light of the creation of 23 specialized prosecutors' offices and the establishment of specific protocols to take into account the gender perspective (para. 56), please provide information on the human, technical and financial resources allocated to those offices and on measures taken to ensure that women have access to them, in particular in rural areas. Please indicate how many sentences have included a gender perspective since the implementation of the protocols.

7. The State party outlines legislative and institutional advancements to combat the high level of gender-based violence against women, including the ever-increasing level of femicide, in the country (paras. 6, 47 and 50). Please provide information on measures in place to ensure the effective implementation of the existing legislation and on measures taken to allocate sufficient human, financial and technical resources for prevention, investigation, punishment and reparation, as well as on measures taken to stamp out impunity in such cases. Please also provide information on measures taken to identify challenges and tackle obstacles in combating gender-based violence against women, including femicide, and information on specific measures in place to

prevent the stigmatization of victims of sexual violence and abuse. Please also indicate if marital rape is explicitly criminalized in national legislation.

#### **Trafficking and exploitation of prostitution**

8. In the report, it is indicated that the Plurinational Council to Combat Human Trafficking and Smuggling initiated a process of external evaluation of the Plurinational policy to combat human trafficking and smuggling for the period 2013–2017 (para. 72). Please provide information on the results of the evaluation and the implementation of the policy. Please also provide information on: (a) the prevalence of prostitution in the State party; (b) the relevant applicable legislative and policy framework to prevent the exploitation of women and girls in prostitution; (c) existing measures and programmes to support women who wish to leave prostitution and pursue alternative means of livelihood. Please describe measures taken to raise awareness of the health and safety risks of prostitution and to discourage male demand for it.

#### **Participation in political and public life**

9. In the report, it is indicated that the Political Organizations Act of 2018 promotes and protects women's political participation in decision-making forums and provides for the establishment of a system to dismantle the patriarchy within political organizations with a view to promoting parity and alternation, equal opportunities and the implementation of affirmative action through an internal body (para. 82). Please provide information on whether specific regulations or other measures, including temporary special measures, have been adopted for the implementation of the Act, as well as information on which internal body monitors compliance with its provisions. Please also provide information on the mechanisms established pursuant to the Act against Political Harassment and Violence to support and protect women who experience political harassment and violence and to prevent such cases (para. 86), as well as information on the number of cases of harassment and political violence reported and prosecuted in the past four years.

#### **Education**

10. In the report, reference is made to scholarships for study, as well as postgraduate study scholarships for professionals who maintain academic excellence and scholarships for young students with limited economic resources (paras. 96–98). Please provide information on the number of scholarships that were awarded to women in general, in particular to indigenous women, Afro-Bolivian women, women on low incomes and women with disabilities. Please indicate whether effective measures are in place to increase female enrolment in non-traditional areas of vocational training, as well as in technology and science-based studies, including engineering and mathematics, at the secondary and tertiary levels. Please describe any developments in providing intercultural and bilingual education for indigenous girls as a means of accelerating their access to all levels of education. Please also provide information on the results of the home-based community education programme for persons with disabilities offered by the Ministry of Education, including statistical data disaggregated by sex, age and level of education.

#### **Employment**

11. Please provide information on measures taken to promote employment of women in non-traditional, higher-wage sectors, including through the use of temporary special measures, and to enforce the principle of equal pay for work of equal value, in line with the Equal Remuneration Convention, 1951 (No. 100) of the International Labour Organization (ILO). Please indicate whether efforts have been

made to eliminate discriminatory barriers faced by women in advancing in their chosen field of work. Please also provide information on measures in place to promote gender equality in the business sector. Please describe measures taken to implement the Act on Employment and Financial Assistance for Persons with Disabilities (para. 126) and the Employment Support Programme (para. 127), in order to integrate women with disabilities into the public and private sectors.

12. With regard to the specific actions taken by the State party in coordination with domestic workers' trade unions to ensure the rights of women domestic workers in line with the ILO Domestic Workers Convention, 2011 (No. 189), which has been ratified by the State party (para. 114), please provide information on the actions taken to resolve the precarious situation faced by female domestic workers and to ensure that they have access to equal remuneration and treatment for work of equal value, including benefits, together with equal access to social security and safe working conditions. Please indicate whether labour inspection mechanisms are in place nationwide and on trends identified in terms of the type of violations faced by female employees and the mechanisms in place to address them. Please indicate whether the State party has considered providing women workers with the option of submitting complaints through mobile technology in cases involving labour rights violations, especially when there is a fear of reprisals. Please report on progress made to protect girls and boys from child labour in the Plurinational system for the comprehensive protection of children and adolescents, following the repeal of the regulation allowing children under the age of 14 to be employed in exceptional circumstances, and provide statistical data disaggregated by sex and age covering the period since the repeal.

### **Health**

13. Please specify whether the contraceptive donation campaign (para. 120) included modern contraceptive methods and how the continuous supply of modern contraceptive methods, including long-term methods and emergency contraception, can be ensured in regular care and in the context of COVID-19. Please provide information on measures taken to protect the lives and health of women health workers during the COVID-19 pandemic, given that women account for the majority of workers in the health sector. Please also provide information on the implementation of the follow-up recommendation to the previous concluding observations to conduct awareness-raising campaigns about modern contraceptive methods in indigenous languages. In the light of the Committee's previous concluding observations (CEDAW/C/BOL/CO/5-6, para. 29) and the State party report (paras. 116–123), please provide information to: (a) clarify the circumstances in which judicial authorization is still needed to perform an abortion; (b) provide up-to-date information on judicially authorized abortions performed in the State party; (c) indicate the number of cases in the past five years in which abortion has been the subject of criminal proceedings pursuant to article 266 of the Criminal Code; (d) describe the measures taken to legalize further exceptions to the prohibition and criminalization of abortion in cases in which, for example, the pregnancy is the result of rape or incest; (e) provide information, including statistical data, on the reduction in early pregnancies and on maternal mortality; and (f) describe any measures adopted to ensure that all women, and in particular indigenous women in rural areas and women with disabilities, are provided with suitable and effective procedures to access safe and legal abortion, as well as post-abortion care, without fear of prosecution.

### **Economic empowerment of women**

14. In the report, it is indicated that a Productive Development Bank has been established which, among its principles, recognizes gender equity in the distribution

of resources for productive investment, a principle that is reflected in the allocation of 50 per cent of total economic resources to women (para. 124). Information is also provided on the implementation of specific financial programmes for women, such as the Seed Capital Fund and the Women Heads of Household Credit (para. 125). Please indicate how many women entrepreneurs, technicians and professionals have benefited from these programmes.

### **Rural women**

15. In the report, it is indicated that women have benefited from programmes to access water resources (paras. 128, 132 and 133). Please provide updated and sex-disaggregated data on the number of beneficiaries of each of these programmes and the criteria to access them. In addition, please provide information on percentages of enforcement titles that were granted to women only, as opposed to men only and in the name of both. Please describe measures taken to ensure that rural women and girls have access to the justice system, according to Plan 175, entitled “Meeting the people”, which is implemented by the Ombudsman’s Office in rural municipalities (para. 44).

### **Indigenous and Afro-Bolivian women**

16. According to the report, the Plan of Action for the Decade provides for the development of intensive campaigns on the rights of Afro-Bolivian women, with an emphasis on mainstreaming a gender perspective, preventing the obstetric violence to which Afro-Bolivian women are subjected and combating harassment and political violence against them (para. 139). Please provide information on measures taken to implement the Plan and eliminate obstacles faced by women of African descent, as well as information on the development of campaigns and dissemination strategies and the outcomes.

### **Women with disabilities**

17. In the light of the Committee’s previous concluding observations ([CEDAW/C/BOL/CO/5-6](#), paras. 9 (e), 13 (c), 19 (a) and 31), please provide information on measures taken by the State party to include women and girls with disabilities in all policies and strategies to promote equal opportunities for women and men, and in particular with regard to access to justice, protection against violence and access to sexual and reproductive health and poverty reduction programmes. Please also report on how free and informed consent is ensured for women with disabilities prior to any medical treatment, as well as any existing exceptions to this universal right.

### **Climate change and disaster risk reduction**

18. Taking into account the disproportionate impact of climate change on women engaging in agriculture, please describe the steps taken to mainstream a gender perspective into national disaster risk reduction management and relief and recovery strategies, in line with the Committee’s general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please also report on the involvement of women in the formulation and implementation of disaster risk reduction, post-disaster management and climate change policies and programmes.

### **Women human rights defenders and environmental activists**

19. Please describe measures taken to address the impact of extractive projects on the living conditions of women. Please provide information on measures taken by the State party to ensure the safety of women human rights defenders and women environmental and indigenous activists, in particular measures taken by the State party to combat alleged discrimination, harassment, intimidation and reprisals, including threats against their life and integrity. Please provide statistical data on prosecutions and convictions of perpetrators of discrimination, harassment, intimidation and reprisals against women human rights defenders and environmental activists, including on the type of sentences imposed, and information on the reparations, rehabilitation and compensation provided.

### **Lesbian, bisexual, transgender and intersex women**

20. According to the information before the Committee, an article of Act No. 807 on Gender Identity (2016), which established an administrative procedure for changing the name, sex and image of transsexual and transgender persons, was declared unconstitutional after the law entered into force. Please provide updated information on the measures taken to remedy this situation and ensure the rights of lesbian, bisexual, transgender and intersex women. Please also provide information on measures taken to systematically include issues on gender equality, non-discrimination and non-violence based on sexual orientation and gender identity in teacher training, as provided for in the Productive Socio-Community Education Model established in the Avelino Siñani-Elizardo Pérez Education Act No. 070.

### **Women in detention**

21. Please report on any measures taken to improve the conditions of women in detention, including information on improvements to secure adequate infrastructure in women's prisons, specialist care in legal aid, psychological support and mental and sexual health. Please provide information on the availability of training and employment programmes for women prisoners and additional measures to provide support following release. Please also provide up-to-date and annual statistics on the number of minors living in prisons with their parents going back to 2015 and additional information on alternative guardianship regimes for such minors.

### **Migrant, asylum-seeking and refugee women**

22. With regard to the Committee's previous recommendations ([CEDAW/C/BOL/CO/5-6](#), para. 37), please provide information on measures taken to ensure gender sensitivity and non-discriminatory practices when dealing with migrant, asylum-seeking and refugee women, including the mechanisms to identify and address their specific needs within the migration and asylum procedures. Please describe legislative and practical measures to ensure the right to health and access to social programmes without discrimination for migrant, asylum-seeking and refugee women. Please provide information on the development, implementation and evaluation of training programmes for police personnel, including migration control police, in combating discrimination and gender-based violence against women.

### **Marriage and family relations**

23. With regard to the minimum legal age of marriage in the Family and Family Procedure Code ([CEDAW/C/BO/7](#), para. 145), please provide information on types of redress that have been provided to girls who have entered into child and/or forced marriages. Please also elaborate on measures taken to ensure that the legal framework concerning marriage and family relations guarantees that women and men have the

same rights and responsibilities during marriage, at its dissolution and in all family matters, including inheritance, property rights and child custody, and that it is applicable to all women. Please also indicate if Act No. 603 (Family and Family Procedure Code) places any restriction on the grounds of disability on entering into marriage or taking custody of one's children. Please also clarify if same-sex marriage is recognized in Act No. 807 on Gender Identity (2016) and whether the same rights and responsibilities are afforded as for spouses in heterosexual marriages.

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